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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/893,736	06/29/2001	Karanvir Grewal	P 0275038 P11033	3327

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EXAMINER

ARANI, TAGHI T

ART UNIT	PAPER NUMBER
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2131

DATE MAILED: 07/13/2004

9

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/893,736

**Applicant(s)**

GREWAL ET AL.

**Examiner**

Taghi T. Arani

**Art Unit**

2131

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 15 April 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-16, 19-23, 25-28 and 31-34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 6-16 and 19-22 is/are allowed.
- 6) ☐ Claim(s) 1-5, 23 and 25-28 is/are rejected.
- 7) ☐ Claim(s) 31-34 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office-Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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### DETAILED ACTION

Claims 1-30 were pending for examination.

Claims 17-18,24 and 29-30 are cancelled.

Claims 31-34 are newly added.

Claims 1-16, 19-23, 25-28, 31-34 are pending for examination.

Claims 6-16, 19-22 are allowed over prior art.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3-5, 23, 25 and 27 are rejected under 35 U.S.C. 102(b) as being anticipated by prior art of record, D. Harkins, D. Carrel, "The Internet Key Exchange (IKE)", Request for Comments (2409), published 1998.

**As per claims 1, 3-7, 23, 25 and 27, RFC 2409 (IDS #5) describes a hybrid protocol (IKE) providing authenticated keying material for, security associations in a protected manner, see abstract.**

RFC 2409 fully discloses processes for implementing negotiating virtual private network (VPN) and also providing a remote user (i.e. first peer) from a remote site access to a secure host or network (i.e. second peer), see page 2, 2<sup>nd</sup> paragraph in Discussion section.

RFC 2409 Hybrid protocol employs part of Oakley and part of SKEME in conjunction with ISAKMP (Internet Security Association and Key management protocol) to obtain

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authenticated keying material for ISAKMP, and for other security associations such as AH and ESP for IPsec protocol, see Abstract, third paragraph.

That is, IKE (RFC 2409) presents exchanges as modes (described in Oakley) operating in one of two phases defined in ISAKMP, see page 3, Introduction.

Phase 1 (or preliminary negotiation) where two ISAKMP peers establish a secure, authenticated channel with which to communicate (i.e. a security association, SA). RFC 2409 discloses that “Main mode” and “Aggressive Mode” each accomplish a phase one exchange.

Phase 2 where security associations are negotiated on behalf of service such as IPsec or any other service which needs key material and/or parameters negotiation. RFC 2409 describes that “Quick Mode” accomplishes a phase 2 exchange.

RFC 2409 describes that during Security Association negotiation (i.e. setting policy information at phase 1 of IKE) initiators present offers (i.e. a plurality of security configuration proposals recited by amended claims 1, 23, 25 and 27) for potential security associations, see page 9, paragraphs 6 and 7, and that there is no limit on the number of offers (i.e. number of security associations) the initiator may send to the responder.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2, 26 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable D.

Harkins, D. Carrel as applied in claims 2 and 6 and further in view of D. Dukes, R. Pereira,

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“ISAKMP Configuration Method”, The Internet-Draft, March 2000 and further in view of Y.

Dayan, S. Bitan, “IKE Base Mode”, Internet-Draft, January 2000.

**As per claims 2 ,26 and 28** The ISAKMP Configuration method (IDS#5) discloses a new ISAKMP configuration method to allow IPsec-enabled entities to acquire and share configuration information (i.e. negotiation comprises a request/reply negotiation), see page 11, section 7. That is, retrieving certain information from the other peer before the non-ISAKMP SA can be established is sometimes useful, see page 3, section 1.

***Allowable Subject Matter***

Claim 31-34 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Examiner’s Statement of Reasons for Allowance***

Claims 6-16, 19-22 are allowed over prior art.

The following is an examiner’s statement of reasons for the indication of allowable claimed subject matter.

Prior art of record, RFC 2409 describes “ the plurality of security configuration proposals”, recited in amended claims 1, 23, 25 and 27 for potential security associations, see page 9, paragraphs 6 and 7, but does not teach or fairly suggest that “ a more secure security configuration proposal is offered before a less secure security configuration proposal”, recited in independent claim 6.

Dependent claims 7-16, 19-22 are also allowed by virtue of their dependencies.

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**Response to Amendment**

Applicant's arguments filed on 4/15/204 regarding the rejection of the claims 1-5, 23, 25-26, 27-28 under 35 U.S.C. 102() and 103 () have been fully considered but they are not persuasive. Applicant argues that the prior art to Harkins, Dukes, and Dylan does not teach or suggest the first peer offering a plurality of security configuration proposals to the second peer to choose from, regardless of order, page 12 of Applicant's REMAKS.

The Examiner disagrees. This feature is taught by "The Internet Key Exchange (IKE)", Request for Comments (2409), published 1998 as stated above in the rejection of claims 1, 23, 25 and 27.

***Action is Final***

**THIS ACTION IS FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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***Conclusion***

Any inquiry concerning this communication or earlier communications from examiner should be directed to Taghi Arani, whose telephone number is (703) 305-4274. The examiner can normally be reached Monday through Friday from 8:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh, can be reached at (703) 305-9648. The Fax numbers for the organization where this application is assigned are:

After-final (703) 746-7238

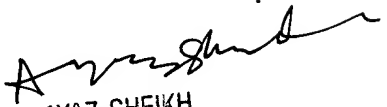
Official (703) 746-7239

Non-Official/Draft (703) 746-7240

Taghi Arani

Patent Examiner

30 June, 2004

  
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